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NEA/I FOR BETTS, NSC FOR VROOMAN

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TAGS: [PREL](#) [IZ](#) [MARR](#) [KTIA](#) [EAIR](#) [PGOV](#) [MASS](#)
SUBJECT: PROGRESS CONTINUES ON SECURITY AGREEMENT
IMPLEMENTATION

Classified By: Charge d'Affairs Robert S. Ford for reasons 1.4 (b) & (d)
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11. (S) Summary. Progress under the Security Agreement (SA) has improved from the early days when a fist fight broke out between two Iraqi generals. The USG and GOI have worked through the SA,s joint subcommittees (JSCs) to sort through alleged "violations" at the working level, rarely needing high level involvement. The two overarching committees that oversee the 12 JSCs are marked by the different approaches of their Iraqi co-chairs, Minister of Defense Abd al-Qadr al-Mufriji and Minister of Interior Jawad al-Bulani. Gradual Green Zone transition has preserved US security interests, and is marked by Iraqi commitment to emulate U.S. standards and agreement to continued presence of U.S. military advisors at each checkpoint. The PM's office has used the process to control the disposition of bases being turned over by the coalition--forestalling the MOD,s desire to take all the bases. The JSCs have also focused on a range of other issues to include frequency returns, and import and export issues (including air/seaport improvements). The JSC on detainees has reflected GOI desires for slow release of detainees, which we must balance with domestic pressures from Sunni groups to increase releases. There has been no pressure from the GOI on defining purposely ambiguous jurisdictional issues. Additionally, the GOI has grudgingly accepted the two-year statute of limitations that the Foreign Claims Act dictates for third party claims against the USG. End summary.

Committee Structures Generally Effective

12. (C) The SA provides for two overarching committees, the Joint Military Operations Coordination Committee (JMOCC) and the Joint Committee (JC), to oversee SA implementation. The JMOCC and its four joint subcommittees (JSCs) deal with issues that are primarily military, and the JC and its eight JSCs handle issues that have a military connection but are less directly related to U.S. military operations. (Note: A top-level body, the Joint Ministerial Committee (JMC), which would include PM al-Maliki and the U.S Secretaries of State and Defense, has not met, and no JMC meetings are contemplated currently. End note). The JMOCC has met five times (most recently on July 16) and the JC three (most recently on June 11, though the body agreed to meet quarterly moving forward), where USG and GOI principals lauded progress on SA implementation and the amount of issues resolved at the JSC level), but in practice these bodies have served as progress review panels; most progress occurs in the JSCs and through direct USG interaction with GOI officials.

MOTL: High-Profile JSC
Serves as the JMOCC Workhorse

13. (S) The work of the Military Operations, Training and Logistics (MOTL) JSC leads the agenda for the JMOCC. We have successfully steered the MOTL away from MOD pressure to discuss operational issues such as the June 30 "combat troops out of the cities" plan (elevating this dialogue to the senior policy level); instead, MNC-I and Iraqi Military and National Police commanders concentrate on:

- establishing a Joint Liaison Cell, to provide a centralized point of contact for issues related to the SA Implementation Committee process, pass requests for U.S. QImplementation Committee process, pass requests for U.S. forces combat support to the appropriate authority, facilitate the submission of SA complaints involving combat operations that could potentially be a violation of the SA, track those complaints and facilitate the provision of response at the lowest possible level;

- contributing to a Joint Security Assessment Study that details security threats, Iraqi Security Forces (ISF) readiness and capabilities, and measures to mitigate capability gaps in advance of the June 30 deadline;

- discussing training needs and programs, including the fielding of new small arms (M16 and M4) and mortars as additional training and accountability measures are implemented;

- looking at ISF supply and service systems and logistics sustainment, including automation, decentralization and delegation of logistics decision-making, and advance logistics requirements planning; and

- using the MOTL as a venue for U.S. and Iraqi commanders to brief the current disposition of their forces, current security operations, and pending base transfers.

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14. (S) ISF senior commanders at the JSC MOTL have generally avoided unhelpful rhetoric in response to negative incidents, such as the highly-publicized U.S. raid in al-Kut in April that was characterized by the press as a unilateral, uncoordinated raid that resulted in the death of innocent civilians. ISF commanders do not avoid addressing the incidents however, and early in the process presented lists of "violations" directly to the MNF-I CG. Iraqi commanders have now agreed to review alleged military operations violations jointly and privately in existing structures without resorting to unilateral "monitoring groups." Additionally, an operations subcommittee was created in the MOTL to address any unresolved investigations of alleged "violations."

IZ Security: Central Issue of Concern
for GOI and Diplomatic Community

15. (C) The Green Zone Security JSC has met fifteen times and has made the most progress of any JSC. ISF have the security lead at all IZ perimeter checkpoints, and, with continuing U.S. mentoring, are conducting professional inspections of thousands of vehicles and pedestrians crossing IZ access controls daily. Contrary to local cultural norms which regard dogs as unclean, Iraqi security personnel have also enthusiastically employed patrol and detector dogs. The JSC is currently focusing on contracts for IZ badges and maintenance of security equipment.

16. (C) IZ road openings, a major symbol of positive change in Baghdad, commenced with opening of the "sunken highway" on June 30, allowing freeway travel from Jumhuriya Bridge to the airport highway, and reducing cross-city transit times and congestion. Future planned openings will include the July 14 Expressway (expected after Parliamentary elections in January 2010).

Vehicles, Vessels, and Aircraft

¶7. (C) The Vehicles, Vessels and Aircraft Movement JSC is currently focused on only two issues: DOD exclusive flights and license plate regulations. US military flights and "exclusive contract" flights are exempt from landing and parking fees. Other flights that may be under contract to DoD but do not fit the narrow definition DoD uses for exclusive are charged the fees. This issue appears to be resolved but other charges for ground handling of cargo are on the subcommittee agenda. The issue of license plates remains unresolved, partially due to a lack of GOI participation, though contacts at the MOI have been identified and now seem eager to begin work.

Provincial Stability Assessment

¶8. (C) The JSC for Provincial Stability Assessment is the successor to the pre-Security Agreement committee that prior to 2009 covered transfer of provinces to Provincial Iraqi Control (a concept that lost relevance with the signing of the SA). The JSC conducts comprehensive assessments of the factors affecting stability in each province, including economic, security, judicial, environmental, governance, Iraqi Security Forces readiness and threat issues. The JSC chairs are discussing the possibility of shifting the committee from under the SA umbrella to that of the Strategic Framework Agreement (SFA), as the issue is not covered under the SA and the committee's status is more a gesture to GOI. The SA and the committee's status is more a gesture to GOI unilateral planning.

Detainees: GOI Favors "Go Slow" Approach

¶9. (S/NF) The Detainee JSC is attended on the U.S. side by MNF-I Chief of Staff MG Swan, and Task Force-134 (MNF-I's detainee operations unit) Commander BG Quantock and on the Iraqi side by MG Ayden (Deputy Minister of Interior), as well as MG Adb al-Kadeem Jasim (MOI Legal Committee), MG Munim Saa'id (General Director of Criminal Evidence), and MG Dhiya Haseen Sahi (General Director of Criminal Investigations). The positive relationship between MG Swan and MG Ayden has

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helped the JSC navigate the GOI desires for slow release of detainees, which must be balanced with domestic pressures from Sunni groups to increase releases. The names of all detainees scheduled for release and their case files are submitted to the GOI via JSC members in advance. For low-threat detainees, the GOI has one month after receiving the summary case file to either produce a warrant or designate a detainee a Person of Interest (POI). TF-134 expects approximately 750 releases and 250 transfers per month to remain constant for the next few months. There is support from the GOI for the U.S. "Blue Cell" criminal investigative effort to build substantive cases against high threat (red) detainees.

¶10. (S/NF) Since January, 3890 current detainees have been released with 840 transferred to Iraqi custody. The GOI has issued warrants for all Third Country National (TCN) detainees. As of the end of June, 42 TCNs had been transferred, with 91 remaining in US custody. The U.S. has provided 15,043 detainees electronic fingerprint files to the GOI. MNF-I will begin releasing medium-threat (amber) detainees without warrants o/a September 1. Few released detainees have returned to violence; reports of recidivism are anecdotal, and do not represent an overall trend.

Agreed Areas and Facilities: Base

Handovers Continue, GOI Capacity Growing

¶11. (C) MNF-I, MNC-I and Embassy staff meet regularly with a small GOI group, led by PM al-Maliki's Chief of Staff Dr. Tariq Abdullah, to work out facility handover or closing modalities, guaranteeing inventory of valuable property on the bases and transferring them in a systemic fashion. Inclusion of the PM's office works to "referee" inter-Ministry disputes over ownership and control of the facilities. One sticking point had been the MOD's desire to take ownership of all bases being returned to the GOI. PM al-Maliki named the Receivership Committee to take ownership in order to mitigate the MOD's land grabs and power plays over the MOI and other ministries. The JSC has agreed that MNF-I and MNC-I will conduct paper transfers of facilities and areas to the real estate officials under Dr. Tariq Abdullah. The JSC provided the GOI with List II of Agreed Facilities and Areas on June 29 2009, the day before the deadline for U.S. combat forces to be out of cities, villages and localities. In total, the USG has returned 101 agreed facilities and areas as of June 29, and List II includes 357 agreed facilities and areas, including 28 that were returned previously to the GOI but have U.S. forces as tenants to assist ISF in training and advisory roles. Of the 357 facilities, 107 are under USG control, while the other 250 are controlled jointly.

Claims: GOI Agrees to Defer Discussion

¶12. (S) The Claims JSC has met twice. The GOI has grudgingly accepted the two-year statute of limitations that the Foreign Claims Act dictates for third party claims against the USG. Per the SA, U.S. claims law governs Iraqi claims, but the U.S. considers Iraqi investigations and statements in adjudicating cases. At the last meeting, the chief of client services from MNC-I educated the GOI members about the claims process for meritorious third party claims. They agreed to meet informally to facilitate understanding. They agreed to meet informally to facilitate understanding about the claims process and claims that the various GOI ministers have received from Iraqi citizens. There are not any terms or open issues to implement and the committee may not have to meet frequently. The JC discussed the operations of 24 claims processing centers set up throughout Iraq, and the USG provided contact information to the GOI to pass to the Iraqi public for each center.

Entry/Exit: Technical Discussions Continue

¶13. (C) As per Article 14 of the SA, the Entry/Exit JSC is currently discussing lists of names for U.S. forces and DoD personnel as described in the Security Agreement. The GOI is planning to station an immigration officer on the military side of Baghdad International Airport (BIAP), which may allow for quicker processing of most passports and staff (but may complicate entry for certain third-country national

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staff--this issue is being worked by the Management Section), once the GOI has the infrastructure and personnel in place. The JSC is also discussing the placement of a GOI immigration official at Sather Air Base as a pilot program.

Imports/Exports/Mail: Progress Continues Despite Bureaucratic Glitches

¶14. (C) The Import, Export and Mail JSC meets infrequently, generally just to manage disputes. There have been working-level discussions on inspection of official cargo

containers at ports of entry, and access to support activities services (such as AAFES or MWR services) by Iraqis and non-USG entities. The JSC has recently engaged in discussions between MNF-I and Ministry of Transportation officials on cargo delays in the port of Umm Qasr, and facilitating negotiations with courier service providers such as DHL. The GOI also submitted a list to the JSC of prohibited items for imports, including items such as toothpaste and pasta. The USG has made it clear that the list is unacceptable and needs to be re-examined before it is even considered by the JSC. Due to the recent resignation and arrest of former Minister of Trade al-Sudani, the GOI has yet to name a new JSC co-chair and PM al-Maliki has temporarily assumed responsibility for trade issues--but has not consulted the JSC.

Jurisdiction: Plans for the Future

¶15. (S) The Jurisdiction JSC has met once. There has been no pressure from the GOI on defining purposely ambiguous jurisdictional issues. In the future, the subcommittee will work to refine jurisdictional arrangements and procedural processes. JSC participants are currently focused on establishing procedures for the committee, and the mechanisms to address jurisdictional issues.

Frequency Management

¶16. (S/NF) The Frequency Management JSC is working to gradually turn over management of frequency bands, one band at a time, when the GOI has the capability to manage each band. Co-Chairs Minister of Communications Faruq Abd al-Rahman and BG Brundidge briefed the JC on June 11 that 50 percent of High Frequency (HF) bands were allocated to the GOI, and 47 percent more of Very High Frequency (VHF) bands were given to the GOI on July 8, giving them a total of 88.7 percent control of VHF bands. While CPA Order 65 directed the Iraqi Communications and Media Commission (CMC--the Iraqi version of the U.S. Federal Communications Commission) to control frequency bands, the CMC is a technical agency with less political weight than the Ministry of Communications, which also wants to control the electromagnetic spectrum. The JSC has created a working group to review potential handovers, frequency by frequency, and starting with lower frequency bands first, to ensure that the appropriate GOI actors can manage frequencies without harming critical MNF-I or Embassy systems performance. The GOI occasionally expresses a desire to move faster on frequency handovers, but has backed off plans for distribution of frequencies for commercial use, instead focusing on security and emergency frequency needs. MNF-I foresees the need to maintain U.S. management of some portions of high-frequency bands to ensure operational capabilities are not degraded. (Note: The Embassy Operational capabilities are not degraded. (Note: The Embassy received an MFA request for a list of all communications and encryption equipment. Post is considering sending a list of radios but will not send a list of encrypted radios/encryption equipment. End note).

Surveillance and Airspace Control:
Closing Iraqi Capacity Gaps

¶17. (C) The Surveillance and Airspace Control JSC has been working to coordinate Iraqi airspace control capacity-building and implement the airspace transition plan signed by State, the U.S. Air Force, and the GOI in December ¶2008. The subcommittee is currently focused on critical air traffic control (ATC) system support and training, to allow Iraq to fully resume safe control of all its airspace. The

Iraqi airport and air traffic system currently receives ATC services and training through a State-funded contract, which was slated to end, absent Iraqi funding for renewal, in late-June. At the JC on June 11, the Minister of Transportation announced that the contract renewals had been signed that day, and that the JSC is awaiting the release of funds by the Minister of Finance. The GOI had promised to provide funding to renew the contracts, but until the JC, the Iraqi Transportation Minister had declined to sign the contract renewals, putting Iraq's ATC system at risk. Embassy Baghdad has signed an agreement with the GOI that obligates GOI to provide DoS with \$9,000,000 (US) for continued services under the existing DoS contract. DOS has applied \$600,000 in bridge funding to the contract which will be repaid when the funding is received by the GOI. If GOI funding is not received by the end of July the contract services will be terminated. Such a termination would likely cause significant political fallout in Iraq as they would not be able to provide ATC services in their airspace. Embassy Baghdad's Transportation Attache office is working to resolve the issue.

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